



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

March 13, 2013

Mr. John Gauvin  
Gauvin and Associates, LLC  
2104 SW 170th St.  
Burien, Washington 98166

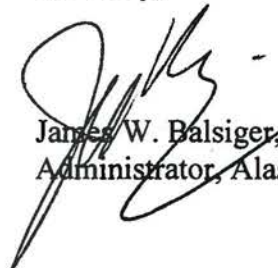
Re: Exempted Fishing Permit No. 13-01

Dear Mr. Gauvin:

We have approved your exempted fishing permit (EFP) #13-01. The permit is effective from March 15, 2013 through November 1, 2014. The EFP authorizes the harvest of 2,400 Chinook salmon for the years 2013 and 2014. The EFP also authorizes 2,400 metric tons (mt) of groundfish catch, and up to 4.0 mt of halibut prohibited species catch (PSC). These catches and PSC may be only taken in the Central Gulf of Alaska (GOA). The Environmental Assessment (EA) completed for this EFP and the Endangered Species Act (ESA) Section 7 consultations completed for this action analyzed the harvest of 2,400 Chinook salmon by the end of year 2013 and 2,400 Chinook salmon by the end of 2014. The EA and the Section 7 ESA consultations also address ESA determinations and National Environmental Policy Act compliance for other groundfish and halibut removals resulting from the EFP.

Enclosed is a copy of EFP #13-01. A copy of this EFP must be on board the permitted vessels during the course of the experimental fishery and as long as any groundfish or salmon retained under this permit are on board the vessels. The permit holder and permitted vessel operator must comply with all provisions of the EFP, the Magnuson-Stevens Fishery Conservation and Management Act, and 50 CFR 679, except as provided in the terms and conditions of the EFP. If you have any questions regarding this permit, please contact Jeff Hartman of the Sustainable Fisheries Division at (907) 586-7442 or email at [jeff.hartman@noaa.gov](mailto:jeff.hartman@noaa.gov).

Sincerely,

  
James W. Balsiger, Ph.D.  
Administrator, Alaska Region

Enclosure

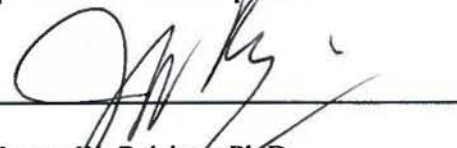


GULF OF ALASKA MANAGEMENT AREA (GOA)  
GROUNDFISH FISHERY  
EXEMPTED FISHING PERMIT  
AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6


PERMIT #13-01

The Administrator, Alaska Region, National Marine Fisheries Service (NMFS), acting on behalf of the Secretary of Commerce, hereby permits vessel(s) acting under the direction of the permit holder, Mr. John Gauvin, Gauvin and Associates, LLC, to conduct experimental fishing in the Central Gulf of Alaska (GOA) to test a salmon excluder device for trawl gear used to fish for pollock between March 15, 2013, and November 1, 2014. The excluder device is designed to lower salmon bycatch rates without significantly lowering catch rates of pollock.

The United States exercises fishery management authority in the Gulf of Alaska Management Area under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. (Magnuson-Stevens Act). The permit holder and the owners and operators of all authorized vessels must comply with the provisions of this Exempted Fishing Permit (EFP), and the provisions of the Magnuson-Stevens Act and 50 CFR parts 600 and 679, except as provided in the attached terms and conditions incorporated herein. This permit is valid from March 15, 2013, through November 1, 2014, when signed by the permit holder, the Regional Administrator, and an authorized representative for each participating vessel, unless terminated earlier by provisions of this EFP or by regulatory action pursuant to 50 CFR parts 600 and 679, or revocations, suspension, or modification pursuant to 15 CFR part 904.

  
James W. Balsiger, Ph.D.  
Administrator,  
Alaska Region, NMFS

3.12.13  
Date Signed

  
John Gauvin,  
Gauvin and Associates, LLC

3/8/13  
Date Signed

GULF OF ALASKA MANAGEMENT AREA  
GROUNDFISH FISHERY  
EXEMPTED FISHING PERMIT MODIFIED #13-01  
TERMS AND CONDITIONS

AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6

TESTING A SALMON EXCLUDER DEVICE IN THE CENTRAL GULF OF  
ALASKA POLLOCK TRAWL FISHERY

A. Permit Holder

John Gauvin,  
Gauvin and Associates, LLC  
2104 SW 170<sup>th</sup> St.  
Burien, WA 98166  
(206) 660-0359

B. Permitted Vessels

The vessels authorized to participate in this Exempted Fishing Permit (EFP) experiment will be selected for the field research through an application process administered by the permit holder. One to two catcher vessels will be used for each stage of field research. In addition to the EFP, each vessel operator will be required to hold all permits and License Limitation Program endorsements otherwise authorizing participation in the Central Gulf of Alaska pollock trawl fishery. In the event the selected vessel(s) is unable to complete the fieldwork under the EFP, such as due to a mechanical breakdown, the permit holder will inform NMFS and submit the required information on a replacement vessel(s) to NMFS before resuming the EFP work. All vessels participating in the EFP will use pelagic trawl gear as defined by 50 CFR 679.2 and comply with the trawl performance standard at 50 CFR 679.7(a)(14)(ii).

The required information regarding the permitted vessels must be provided to NMFS within 5 days of completion of contracting the vessel for the work. Information that must be provided to the Regional Administrator is described in Appendix A to this permit, and must include the following:

- Vessel name
- Vessel length and tonnage (gross)
- Federal fisheries permit number and USCG registration number
- Name, address, telephone number, and fax number of owner
- Home port
- Signature of vessel's authorized representative



A copy of this EFP must be on board the permitted vessels during the course of the experimental fishery and as long as any groundfish or salmon retained under this permit are on board the vessels.

C. 1. Timing of the Experiment

Experimental fishing under the terms of this permit is authorized for the A, B, C and D pollock seasons for both 2013 and 2014. Fishing may commence on March 15, 2013, and conclude when the pollock season closes on November 1, 2013. EFP fishing may commence again on January 20, 2014, and conclude when the pollock D season closes on November 1, 2014.

2. Notification of Timing of the Experiment

The permit holder must notify the Regional Administrator and the NOAA OLE (by email or fax) within 24 hours of the beginning and ending date of the field season for each vessel permitted under the EFP. Should EFP fishing be terminated prior to the end of the field season, the permit holder must notify both the Regional Administrator within 24 hours of the end of EFP Fishing. If EFP fishing commences after being terminated during the field season, EFP fishing may not commence until the permit holder has notified the Regional Administrator and NOAA OLE by email or fax 24 hours prior to the beginning of EFP fishing. The Regional Administrator Fax number is (907) 586-7249, and the NOAA OLE Fax number is (907) 586-7200. The NOAA OLE email contact is matt.brown@noaa.gov.

D. Exemptions from Prohibitions, General Limitations, Prohibited species bycatch, and Observer Requirements

During an EFP fishing trip, a permitted vessel and its operator are exempt from the applicability of the following regulations:

**§ 679.7(a)(2):** which prohibits the conduct of fishing contrary to notification of inseason action, closure, or adjustment, as applied to the specific regulations detailed below for § 679.20 and § 679.21. This exemption is necessary to allow the permit holder to fish in a manner that would encounter higher concentrations of Chinook salmon for testing the excluder device.

**§ 679.7 (a)(3)(i):** which prohibits fishing for groundfish except in compliance with the terms of the Groundfish Observer Program. See exemptions at § 679.51 and § 679.55 for additional exemptions from the Observer Program.

**§ 679.7(a)(16):** as it applies to estimating incidental catch, based on the maximum retained amounts (MRAs) for pollock and any other groundfish species. When the pollock trawl fishery has been closed in the Central GOA to retention of an amount of pollock or other groundfish that exceeds the maximum retained amount

for pollock or other groundfish as determined in Table 10 to part 679, the permit holder and participating vessels may exceed the maximum retainable amount of pollock or other groundfish as calculated by using Table 10, and as established under § 679.20(e). This exemption is necessary to allow for EFP fishing to occur during selected periods when the directed pollock fishery or other species are closed to retention up to the MRA.

**§ 679.7(b)(2):** the prohibition for exceeding daily pollock trip landing and retention limits § 679.7(b)(2)(i) and (b)(2)(ii) for each designated EFP trip. Section 679.7(b)(2) states “Catcher vessel harvest limit for pollock. (i) Retain more than 300,000 lb (136 mt) of unprocessed pollock on board a catcher vessel issued a FFP at any time during a fishing trip as defined at § 679.2; (ii) Land more than 300,000 lb (136 mt) of unprocessed pollock harvested in any GOA reporting area from a catcher vessel issued a FFP to any processor or tender vessel during a calendar day as defined at § 679.2; ....” The experimental design requires sufficient numbers of Chinook salmon and pollock to test the excluder device. That is likely to involve longer trips and in some cases, accumulation of larger amounts of pollock than allowed under the 136 mt pollock trip limit.

**§ 679.20(d):** an exemption related to the previous exemption at § 679.7(a)(16). During an EFP fishing trip, the permit holder and participating vessels are exempt from

§ 679.20(d)(1)(iii)(B) for pollock and other groundfish caught as an incidental species. Section 679.20(d)(1)(iii)(B) states “Except as described in § 679.20(e)(3)(iii), if directed fishing for a target species or species group is prohibited, a vessel may not retain that incidental species in an amount that exceeds the maximum retainable amount, as calculated under paragraphs (e) and (f) of this section, at any time during a fishing trip.” This exemption will allow a permitted vessel to exceed the maximum retainable amount for species listed in Table 10 to Part 679 during EFP fishing.

**§ 679.21(b)(2)(i):** requirement to minimize catch of prohibited species, because this project will, by implication, require vessel operators to accumulate Chinook salmon in the salmon excluder device. The implication to capture Chinook salmon is inconsistent with this regulation. This exemption will only apply during EFP fishing.

**§ 679.21(d):** the prohibition for exceeding halibut PSC limits for trawl gear at § 679.21(d)(3), because these vessels are anticipated to take a total of approximately 4.0 mt of halibut bycatch in the duration of EFP fishing. The final GOA halibut PSC amounts that this EFP will be exempted from are published in the 2013/2014 GOA annual harvest specifications. This exemption only applies to the groundfish and PSC taken during the EFP, and does not apply during non-EFP fishing.

**§ 679.21(h)(2)(i):** with 2013 and 2014 Chinook salmon PSC limits at § 679.21(h)(2)(i). “NMFS establishes an annual PSC limit of 18,316 Chinook salmon for vessels engaged in directed fishing for pollock in the Central reporting area of the GOA.” If the annual PSC limit is reached, the permit holder may exceed the Central reporting area Chinook salmon PSC limit by no more than 2,400 Chinook salmon. This exemption is necessary to allow for a sufficient number of Chinook salmon to be caught during the testing of the salmon excluder device to meet the sampling design requirements of the EFP.

**§ 679.50:** except as described in this permit, observer requirements at § 679.50 while conducting activities under this EFP.<sup>1</sup>

**§ 679.51(a)(1)(ii)(C):** EFP fishing trips will be exempted from the requirements for trip selection under the ODDS at § 679.51(a)(1)(ii). However, as described further at [section citation], during each EFP fishing trip, the vessels approved to participate under this permit are required to report catch, discard, and other data to the EFP holder through the use of sea samplers.

**§ 679.55:** Fee collection: Each of the vessels approved to participate under this permit would be exempt from the fee collection at § 679.55, for all groundfish caught while EFP fishing.

**Additional Reporting Requirements, Sea Sampling, and Observer Requirements**

The permit holder is required to work with the vessel owners retaining fish under this EFP to comply with the federal record keeping and reporting requirements at § 679.5 and ensure that records of all groundfish and Prohibited Species Catch (PSC) species caught under the EFP are kept separate and identifiable in the following manner:

**Catcher vessels:** When a catcher vessel makes a landing to a shoreside processor, the permit holder is required to work with the vessel owner and the shoreside processor to ensure that all the catch and discard information from the EFP fishing activity is entered for each groundfish delivery. This information must be marked as experimental by using the “EXP” management program code on the groundfish landing report completed in eLandings.

The vessel owners or operators of the vessels authorized to participate in this EFP are exempt from selected observer requirements at §679.50, §679.51, and §679.55 (see D. of this Permit), while conducting activities under this EFP. Instead, the

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<sup>1</sup> The vessel owners or operators are exempt from selected observer requirements at §§ 679.50, 679.51, and 679.55, while conducting activities under this EFP. Instead, the catch and discards will be monitored by “sea samplers” who are NMFS-qualified observers hired to provide the data collection and sampling support for the experiment. However, the sea samplers will be considered NMFS observers for purposes of §§ 679.53 and 679.7(g), and the permit holder is required to comply with these provisions for their sea samplers.

catch and any discarding of species will be monitored, accounted for and recorded by "sea samplers" who are NMFS-qualified observers hired to provide the data collection and sampling support for the experiment.

E. Area of the Experiment

Experimental fishing under the terms of this permit is authorized in the Central GOA. The experiment must be conducted outside Steller sea lion protection areas closed to pollock trawl fishing, as described at § 679.22(b).

F. Total Allowable Groundfish Harvest

The overall groundfish catch for the EFP effective period of March 15, 2013, through November 1, 2013, shall not exceed 2,400 mt; and for January 20, 2014, through November 1, 2014, shall not exceed 2,400 mt. Participating vessels will retain all pollock and other groundfish species in accordance with the experimental design for this EFP. As previously noted, a general exemption from Maximum Retainable Amounts (MRA)s will allow EFP fishing to exceed the amounts calculated from production data and Table 10 to Part 679. Any groundfish taken in excess of 2,400 mt in 2013 and 2014, as part of the EFP activities will be counted against the TACs. Further, if groundfish limits of 2,400 mt in the EFP are exceeded, the Regional Administrator may terminate the EFP.

G. Prohibited Species Catch (PSC), sampling, and discards

With the exception of the exemption at § 679.21(b)(2)(i) for Chinook salmon, the remaining regulations governing retention and release of non-Chinook salmon PSC species, as defined at § 679.21(b), will apply to the vessels participating in the experiment. As previously noted under the exemptions, the salmon and halibut taken during the EFP fishing is exempt from selected PSC requirements under § 679.21(d) and (h) during the EFP effective period.

The total authorized Chinook salmon bycatch is 2,400 Chinook salmon in 2013 and 2,400 Chinook salmon in 2014, for the EFP effective period. No seasonal limits apply to this bycatch.

The permit holder is not required to participate in the Prohibited Species Donation Program (PSDP) under § 679.26. After all sampling of Chinook salmon is completed, except for any Chinook salmon that are donated through the PSDP, all Chinook salmon must be discarded, as required by § 679.21(b).

H. Vessel Selection

When a vessel selection process is used for the EFP research, the permit holder will distribute application materials to trade associations for pollock vessel companies. Materials describing the experiment will detail the purpose of the EFP, application information required, groundfish catch and PSC limits for the experiment, and a description of the review process.

Vessel applicants will have at least one week to complete and submit applications from the time application materials are made available. Submitted materials must describe the suitability of their vessel as a platform for the experimental fishery, including a description of the vessel's observer sampling facilities and a statement of applicant's fishing plan for the EFP; the number of tows expected per day; and a description of the proposed coordination of sea sampler activities and deck crew duties during the experiment. The application also must describe the pelagic pollock net that they intend to use for the EFP and other information critical to the determination of the suitability of the vessel and trawl gear for the experiment, as detailed in the EFP permit holder's request for proposals for vessel selection.

The review of applications and selection of a vessel for the EFP will be conducted by the permit holder in consultation with the Research and Conservation Engineering (RACE) Division of the Alaska Fisheries Science Center. If RACE Division personnel recommends revisions to the proposals, the permit holder reevaluate and recommend the most appropriate vessel(s) for the experiment in consideration of those recommendations. The application review process will gauge the feasibility of obtaining valid data on the applicant's vessel and will examine the suitability of the vessel(s). In the event that two or more vessels are considered equally suitable, the choice will be made through a random drawing.

#### **I. Requirements for Participating Vessels**

The participants in the experiment are required to comply with the following provisions:

1. Supply facilities for sea samplers to conduct expanded species and size composition sampling; deck space for testing the device; and facilities for sorting salmon, as detailed in the vessel's application to participate in the EFP.
2. Follow all procedures and requirements of the field experiment. This will include installing and using an excluder built to the specification of the selected design and installing and using a recapture net covering the excluder's "escape chute" as well as placing camera devices on the net for the measurement of excluder performance. The vessels selected for the EFP work also will conduct fishing operations in accordance to the requirements of the EFP, as detailed in the application materials for the experiment.
3. Take up to two sea samplers who will be aboard at all times while fishing pursuant to this EFP. EFP personnel and sea samplers will be provided to the EFP vessels, and all costs will be paid for by the North Pacific Fisheries Research Foundation. Sea samplers must be NMFS-certified observers (or have previous NMFS certified observer experience) and have the ability to perform the sampling duties required for the experiment.
4. Make available one or more crew members to assist sea samplers as needed. Crew members assigned to this role will work as assistants to the sea samplers



so that expanded catch composition, biological sampling, and size distribution sampling required for this experiment can be carried out.

5. Provide all catch data needed for the analysis, including fish tickets and other information on retained and discarded catch. Participants must submit all data from the EFP activities to the permit holder and NMFS personnel associated with this project. All data collected under this permit is discloseable to the public and is not confidential once vessel identifiers have been removed.
6. Stay within the groundfish catch and PSC bycatch limitations of the EFP. Considering specific exemptions for Chinook salmon and halibut PSC limits, keep catches below the target quantity of catch per tow so that the limits on catch and bycatch are not met or exceeded prior to accomplishing the number of tows required for the experimental design.
7. Abide by any adjustments in the experimental protocol deemed necessary by EFP and NMFS personnel.
8. Agree to participate in the experiment until its conclusion or termination on November 1, 2013, and November 1, 2014, unless released from participation by the permit holder.
9. Participants in the experiment will be allowed to sell all groundfish that would be retainable under the terms and conditions of the exemptions in D, and under the terms and conditions set forth under F and G above.
10. To ensure compliance with the experiment protocols, data from each day's fishing will be reviewed by the permit holder's onboard project manager(s). The permit holder will notify NMFS and the vessel if there are indications that a vessel is not meeting the requirements for participation in the experiment.
11. Have a valid Commercial Fishing Vessel Safety Decal issued by the U.S. Coast Guard within the past 2 years that certifies compliance with regulations found in 50 CFR 600. At § 600.746(d) for the duration of participation in this project.
12. Once notification is provided under C2., of this permit, conduct only EFP fishing allowed by this permit during the fishing trip, following all provisions in this EFP.

J. Administration of the Experiment

The permit holder will provide at least one project manager on board each vessel participating in the experiment to facilitate communication between participants in the experiment, sea samplers, and NMFS personnel involved in the experiment. The project managers will be responsible for making sure unanticipated occurrences and problems are resolved in a manner that does not jeopardize the conduct or validity of the experiment.

The permit holder will be responsible for contacting NMFS if unanticipated problems arise that require adjustments to the experiment protocol. The project manager(s) will be responsible for making sure that any NMFS personnel who have agreed to provide assistance (such as providing technical assistance with underwater camera or sonar gear) are able to perform such duties.

The permit holder, through the interaction of their project manager(s), is responsible for making sure each vessel in the experiment follows the protocol and other requirements of the experiment. Should the permit holder determine that a vessel is not abiding by the protocols and other requirements, he must notify the vessel's operator and explain the problem. If this action does not result in the resolution of the problem, the permit holder will notify the vessel and NMFS that the vessel is no longer a participant under the EFP, and the vessel will be removed from the attached list of approved vessels.

The permit holder also will be responsible for the following activities in connection with this experiment:

1. Prepare written materials describing the purpose of the EFP project and the elements needed for incorporation into participant vessel applications. Set deadlines for and collect all application materials, including informing applicants of the completeness of their application (provided materials are received in a timely manner). Provide informational assistance before and during review of applications. Provide NMFS reviewers with copies of completed applications.
2. Provide paper and electronic forms as necessary for field work data collection.
3. Transcribe EFP data to electronic format, create working data set for the analysis, perform spot checks, and run standard diagnostics to locate outliers in the data and otherwise check for data entry errors.
4. Prepare the technical analysis and prepare a draft and final EFP report.
5. Coordinate the collection, preservation, and shipment of salmon tissue samples and any coded-wire tagged snouts for analysis by the NMFS Auke Bay Lab personnel.
6. The permit holder must ensure the project manager(s) follow the sampling plans and protocols provided by NMFS.

K. Analysis of Results

Together with NMFS scientists, the permit holder will conduct an analysis of the data in 2014 and 2015. A draft report will be prepared within six months after the conclusion of the experiment. The report will describe the following: the

device(s) tested in the experiment, how the test was conducted, placement and other factors (such as towing speeds, water conditions, target catch rates, etc.), and performance of the device in terms of salmon bycatch reduction, target catch escapement, handling, and maintenance. The report will also include the total catch of each groundfish species and Pacific halibut in mt and the total number of salmon caught during EFP fishing. The report will be revised after initial review by the Scientific and Statistical Committee of the North Pacific Fishery Management Council (Council) and any other technical review. The final written report will be prepared by the permit holder, in conjunction with NMFS, and will be made available to the Council for distribution to interested public.

L. Dissemination of Study Results

The permit holder will prepare a succinct report for the trawl industry explaining the results and basic statistical confidence in those results. The purpose of this report is to make interested industry parties aware of the performance of the salmon excluder device so that, in the case that the devices prove useful in producing significant decreases in salmon bycatch rates with minimal or justifiable losses in target species, this information can be adapted for industry use or further modification of the approaches developed in the EFP research.

This industry report will be disseminated free of charge to the public upon request and presented to the Council upon request of the Council. Data will be made available to researchers interested in performing more detailed studies.

M. Sanctions

Failure of the permit holder and/or the permitted vessel owners or operators to comply with the terms and conditions of this permit and all applicable provisions of 50 CFR parts 600 and 679, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), or any other regulations promulgated thereunder, or any other applicable law, shall be grounds for revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act.

N. Waiver

The permit holder on his own behalf, and on behalf of all persons conducting activities authorized by the permit under his direction, waive any and all claims against the United States, and its agents and employees, for any liability whatsoever for personal injury, death, sickness or damage to property directly or indirectly due to activities under this permit.

**EXEMPTED FISHING PERMIT: #13-01  
PERMITTED VESSEL**

**Vessel Name:**

**Federal Fisheries Permit Number:**

**USCG Official Number:**

**Owner Name:**

**Owner Address:**

**Phone:**

**Fax:**

**Length Overall (LOA):**

**Gross Tonnage:**

**Type of Vessel:**

**Homeport:**

**Signature(s) of Authorized Representative(s):**

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\_\_\_\_\_

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Date signed

The signature(s) above confirm this information, but do not constitute a final commitment to participate in the test operation.